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SERVICE DATE – SEPTEMBER 16, 2014

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 35802

NORTHWEST TENNESSEE REGIONAL PORT AUTHORITY—CONSTRUCTION AND  
OPERATION EXEMPTION—IN LAKE COUNTY, TENN.

Decided: September 15, 2014

By petition filed on June 27, 2014, Northwest Tennessee Regional Port Authority (Authority) seeks an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10901 for authorization to construct and operate a new line of railroad in Lake County, Tenn. (the Line). The Authority states that the proposed Line would extend approximately 5.5 miles from a connection with an existing line of railroad owned by the Hickman River City Development Corporation and operated by the TennKen Railroad, near Tiptonville, Tenn., to the site of a newly constructed port on the Mississippi River at Cates Landing (Port). The new line would begin at a wye track connection with the existing rail line at Tiptonville and extend in a westerly direction.

The Authority is a noncarrier political subdivision of the State of Tennessee established by Dyer, Lake, and Obion Counties in northwest Tennessee for the purpose of owning, constructing, and operating a regional river port in Lake County. According to the Authority, the purpose of the proposed construction is to facilitate intermodal transport operations at the Port and to attract industrial and commercial activity in Lake County. The Authority also states that the Line would serve a new industrial park being developed by Lake County, in conjunction with the Port, which is located approximately three miles from the TennKen Railroad interchange.<sup>1</sup> The Authority states that it would contract with a qualified Class III rail carrier to operate the Line but seeks operating authority through this petition to ensure that it retains the residual common carrier obligation for the Line.

The petition for exemption raises issues that require consideration by the Board. By this decision, the Board is instituting a proceeding under 49 U.S.C. § 10502(b).

The Authority requests expedited consideration and seeks a decision within 90 days from the filing of its petition. Under the circumstances, including the environmental review required

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<sup>1</sup> As indicated by the Authority, the Line would bisect the proposed Lake County Industrial Park and would enter the campus of the Port and run parallel to the Port's slack water harbor to the main dock facility, approximately 2.5 miles northwest of the Lake County Industrial Park.

under the National Environmental Policy Act, issuing a merits decision within 90 days of the filing of the petition is not feasible. The Board will, however, endeavor to issue its decision as promptly as possible.

It is ordered:

1. Under 49 U.S.C. § 10502(b), a proceeding is instituted.
2. This decision is effective on its date of service.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.